

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number

010905

First Named Inventor

RUSSELL A. HOUSEK

**COMPLETE IF KNOWN**

Application Number

/

Filing Date

SEPTEMBER 27 2001

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

*JOINT BRACES AND TRACTION DEVICES INCORPORATING  
SUPERELASTIC SUPPORTS*

*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY)   as United States Application Number or PCT International

Application Number   and was amended on (MM/DD/YYYY)   (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? YES | Certified Copy Attached? NO |
|-------------------------------------|---------|----------------------------------|--------------------------|------------------------------|-----------------------------|
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/>    |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/>    |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/>    |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/>    |

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to:  Customer Number \_\_\_\_\_  
 or Bar Code Label \_\_\_\_\_ OR  Correspondence address below

Name **RUSSELL A. Houser**

Address **1787 VERDITE STREET**

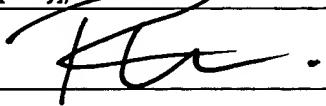
|                       |                 |                  |
|-----------------------|-----------------|------------------|
| City <b>LIVERMORE</b> | State <b>CA</b> | ZIP <b>94550</b> |
|-----------------------|-----------------|------------------|

|                       |                               |                         |
|-----------------------|-------------------------------|-------------------------|
| Country <b>U.S.A.</b> | Telephone <b>925 371 1946</b> | Fax <b>925 371 1029</b> |
|-----------------------|-------------------------------|-------------------------|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|                                  |   |
|----------------------------------|---|
| NAME OF SOLE OR FIRST INVENTOR : | <input type="checkbox"/> A petition has been filed for this unsigned inventor |
|----------------------------------|---|

|  |   |
|--|---|
| Given Name<br>(first and middle [if any]) <b>Russell</b> | Family Name<br>or Surname <b>Houser</b> |
|--|---|

|  |                        |
|--|------------------------|
| Inventor's Signature  | Date <b>25 Sept 01</b> |
|--|------------------------|

|                                  |                 |                    |                        |
|----------------------------------|-----------------|--------------------|------------------------|
| Residence: City <b>LIVERMORE</b> | State <b>CA</b> | Country <b>USA</b> | Citizenship <b>USA</b> |
|----------------------------------|-----------------|--------------------|------------------------|

|  |  |  |  |
|--|--|--|--|
| Mailing Address <b>1787 VERDITE STREET</b> |  |  |  |
|--|--|--|--|

|                       |                 |                  |                       |
|-----------------------|-----------------|------------------|-----------------------|
| City <b>LIVERMORE</b> | State <b>CA</b> | ZIP <b>94550</b> | Country <b>U.S.A.</b> |
|-----------------------|-----------------|------------------|-----------------------|

|                          |   |
|--------------------------|---|
| NAME OF SECOND INVENTOR: | <input type="checkbox"/> A petition has been filed for this unsigned inventor |
|--------------------------|---|

|  |   |
|--|---|
| Given Name<br>(first and middle [if any]) <b>JAMES G</b> | Family Name<br>or Surname <b>WHAYNE</b> |
|--|---|

|  |                     |
|--|---------------------|
| Inventor's Signature  | Date <b>9/11/01</b> |
|--|---------------------|

|                                    |                 |                       |                           |
|------------------------------------|-----------------|-----------------------|---------------------------|
| Residence: City <b>CHAPEL HILL</b> | State <b>NC</b> | Country <b>U.S.A.</b> | Citizenship <b>U.S.A.</b> |
|------------------------------------|-----------------|-----------------------|---------------------------|

|   |  |  |  |
|---|--|--|--|
| Mailing Address <b>137 NEW CASTLE DRIVE</b> |  |  |  |
|---|--|--|--|

|                         |                 |                  |                       |
|-------------------------|-----------------|------------------|-----------------------|
| City <b>CHAPEL HILL</b> | State <b>NC</b> | ZIP <b>27517</b> | Country <b>U.S.A.</b> |
|-------------------------|-----------------|------------------|-----------------------|

Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that: **WE HEREBY CLAIM BENEFIT  
UNDER 35 U.S.C. §119(e) OF ANY UNITED STATES PROVISIONAL APPLICATIONS  
LISTED BELOW:**

|   |  |
|---|--|
| APP # 60/1236,923<br>APP # 60/1272,110<br>APP # 60/1295,839 | DATE: 28 SEPT 2000<br>DATE: 27 FEB 2001<br>DATE: 31 MAY 2001 |
|---|--|

This declaration is directed to: \_\_\_\_\_

- The attached application, or  
 Application No. \_\_\_\_\_, filed on \_\_\_\_\_,  
 as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

### FULL NAME OF INVENTOR(S)

Inventor one: RUSSELL A. Houser

Signature: RH Citizen of: USA

Inventor two: JAMES G. WHAYNE

Signature: JG Citizen of: U.S.A.

Inventor three: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor four: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.